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STATE FOR KATHERINE BAKER, SHO MORIMOTO AND DAVID SALVO
SIPDIS

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TAGS: [MOPS](#) [PARM](#) [PREL](#) [NATO](#) [GM](#)
SUBJECT: GERMANY HARDENING ITS LINE ON CLUSTER MUNITIONS;
PESSIMISTIC ABOUT CCW NEGOTIATIONS

REF: 08 BERLIN 1609

Classified By: DEPUTY POLITICAL COUNSELOR STAN OTTO. REASONS: 1.4 (B) A
ND (D).

11. (C) SUMMARY: Cluster munitions (CM) experts at the MFA are pessimistic about the chances for success at the upcoming CCW meetings on the issue in Geneva, and indicated a hardening of Germany's stance in the negotiations. Contacts emphasized that Germany would most likely only support a second CM treaty if its definition for CM is the same as in the Oslo Agreement, and if it provides for an immediate result, such as ending the transfer of banned types of CM. The countries of real concern remain Russia, China, and India. END SUMMARY.

12. (C) PolOff met with Burkhard Ducoffre, CM expert in the MFA's Conventional Arms Control Division, on March 5 to discuss Germany's thoughts on the CM debate during the recent meetings at the Convention on Conventional Weapons (CCW) in Geneva. Ducoffre indicated that the chances for success this year at the CCW are likely slim, saying that Germany has "pretty low expectations" for the next Geneva meetings. Ducoffre noted that a lot of time was lost under Danish leadership and, despite the Argentine Ambassador's "fresh perspective," it is most likely "not manageable" to complete a CM treaty at the CCW in the remaining four meeting days in April. He emphasized that there has been "little movement" from very difficult partners such as -- according to Ducoffre -- Russia, China, and India.

13. (C) During the discussion, it became clear that the German position on CM has hardened since November. When asked for further details, Ducoffre noted that on December 4 the German Bundestag passed a motion urging the GoG to quickly ratify the Convention on Cluster Munitions (CCM, the so-called "Oslo Agreement"). Ducoffre noted that a "legal protocol allowing nations (party to the agreement) to continue using the types of cluster munitions used in Lebanon is now a no-go." He went on to emphasize that if the MFA delivered a second (CCW-developed) CM treaty to the Bundestag, gaining ratification would be difficult. One with "weaker standards and differing definitions" would almost certainly be rejected, he stated, although he does believe a treaty with a "long phase-out period" could be acceptable. He noted that the Bundesrat debated the issue March 6, and the Oslo Agreement is expected to gain approval from the Bundestag "perhaps before the end of the month."

14. (C) Ducoffre recommended that it might be best to abandon the effort to negotiate a separate CM agreement in the CCW rather than having a long, drawn-out, and ultimately unsuccessful process. Such a failure could permanently damage the CCW and the UN as an arms control / disarmament body. He also said the NGOs have opted to keep Oslo as the standard and to focus on pushing countries to adopt "national

standards" (similar to what the U.S. has done). Oslo should be the "moral standard" Ducoffre said, referring to the NGOs, stated opinion. Ducoffre indicated that Germany -- and other countries party to Oslo -- considered just "keeping quiet" while the others at the CCW try to find common language, but he said, that would be "untenable." Ducoffre did emphasize that most countries -- Germany included -- are pleased with the U.S. 2008 policy revisions, but there "deep doubts" remain about Russia and China, and India, and how they might use their CM arsenal in the future.

¶5. (C) Pressed about Germany's bottom line at the CCW, Ducoffre replied that the "definition for cluster munitions must equal to that of Oslo." He also emphasized that there would need to be "some sort of an immediate effect from the CCW agreement, such as immediately ending the transfer of banned types of cluster munitions." He added that using the Oslo definition for CM would not mean U.S.-manufactured CM could not be used, as that could be addressed in Article IV of the proposed CCW agreement.

¶6. (U) Ducoffre mentioned that Berlin would be hosting a thematic conference on CM destruction (Article III of the Oslo Agreement) on June 25-26. Only Oslo signatory states will be invited.
Koenig